

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TYRONE THOMPSON,

Petitioner,

v.

**ARAMARK CORRECTIONAL
SERVICES, *et al.*,**

Respondent.

:
:
:
:
:
:
:
:
:
:
:

Case No. 2:23-cv-01275

Chief Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers

ORDER


This matter is before the Court on the Magistrate Judge’s Report and Recommendation (R&R) (ECF No. 5), recommending that this Court dismiss Plaintiff’s case for lack of prosecution. On April 11, 2023, Plaintiff filed a motion for leave to proceed *in forma pauperis*. (ECF No. 1). On May 18, 2023, the Magistrate Judge issued a Deficiency Order, instructing Plaintiff to pay the full filing fee or to submit a complete application and affidavit to proceed *in forma pauperis* within thirty (30) days. (ECF No. 3). Plaintiff was cautioned that “[i]f plaintiff fails to pay the filing fee or to submit an application to proceed *in forma pauperis* within this time limit, the complaint may be dismissed.” (*Id.* at 1). More than thirty (30) days have passed since the Deficiency Order was issued and Plaintiff has failed to respond to or otherwise comply with the Deficiency Order.

The Magistrate Judge’s R&R suggesting dismissal of the instant action was filed on July 5, 2023. (ECF No. 5). The R&R advised Plaintiff that he had fourteen (14) days thereafter to raise any objections. (*Id.* at 2). The R&R also notified Plaintiff that failure to make objections within the applicable time period may forfeit rights on appeal. (*Id.*).

This Court has reviewed the Magistrate Judge’s R&R. Considering Plaintiff failed to respond to or comply with the Deficiency Order and no objections have been filed in response to

the R&R and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the Magistrate Judge's R&R (ECF No. 5) as this Court's findings of facts and law. Therefore, Plaintiff's case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Court further **DENIES** a certificate of appealability.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: October 30, 2023